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March 10, 1997

BY HAND DELIVERY

DOCKET FILE COPY ORIGINAL

Mr. William F. Caton
Acting Secretary
Federal Communications Commission
1919 M Street, N.W.
Washington, D.C. 20554

Re: MM Docket No. 97-18
Notice of Proposed Rulemaking Regarding the Amendment of Section
73.202(b) Table of Allotments, FM Broadcast Stations
(Durango, Colorado)

Dear Mr. Caton:

Enclosed for filing on behalf of Four Corners Broadcasting, LLC ("Four Corners"),
are an original and four (4) copies of a counterproposal in the above-referenced docket.
Please direct any questions on this matter to the undersigned.

Very truly yours,



Tom W. Davidson, P.C.

Enclosure

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Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

0101897

Amendment of Section 73.202(b))	
Table of Allotments)	MM Docket No. 97-18
FM Broadcast Stations)	RM-8943
(Durango, Colorado))	

To: Chief, Allocations Branch

COUNTERPROPOSAL

Four Corners Broadcasting, LLC ("Four Corners"), by its attorneys and pursuant to Sections 1.415 and 1.420 of the Rules of the Federal Communications Commission ("FCC" or "Commission"), 47 C.F.R. §§ 1.415, 1.420 (1995), respectfully submits these comments in response to the Commission's Notice of Proposed Rulemaking ("NPRM") in the above-referenced proceeding.¹ Specifically, Four Corners requests the Commission to modify Section 73.202(b) of its rules by allocating Channel 243C2 to Dolores, Colorado, rather than allocating Channel 243A to Durango, Colorado. In support of its counterproposal, Four Corners sets forth the following:

1. In its NPRM, the Commission proposed to allocate Channel 243A to Durango, Colorado, as that community's fourth local FM transmission service, pursuant to a petition for rulemaking filed by Range Broadcasting Company, requesting such allocation. The Commission noted, however, that the allotment of Channel 243A to Durango, Colorado, would be subject to a site restriction of at least 0.8 kilometers (0.5 miles) north of the

¹ See Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations (Durango, Colorado), __ FCC Rcd __ (1997).

community to avoid a short-spacing to the licensed site of Station KDAG(FM), Channel 245C1, Farmington, New Mexico.

2. Dolores, Colorado, is an incorporated city located approximately 40 miles northwest of Durango. 1992 RAND McNALLY COMMERCIAL ATLAS & MARKETING GUIDE at 276. Dolores has a chamber of commerce, a post office, several banks, a medical center, cable television service and a campground for recreational vehicles. Although the 1990 Census reports that Dolores has a city population of only 866 persons, these figures seriously understate the number of people that would receive radio service if a new FM channel were allocated to Dolores. Dolores is located in Montezuma County which has a population of 18,672, approximately half of whom reside in rural areas outside of communities which are identified in the Census. See Engineering Statement. Allocating a channel to Dolores would provide a much needed full-time radio service to a large portion of the area's rural population.

3. There currently are no FM or AM radio stations licensed to Dolores. Thus, the allocation of Channel 243C2 to Dolores would provide Dolores with its first local aural transmission service. Dolores currently receives only two full-time aural radio services. The stations which provide primary service to the Dolores area are Stations KRTZ(FM) and KISZ-FM, both licensed to Cortez, Colorado. See Engineering Statement. While Dolores is inside of the 0.5 mV/m daytime contour of several AM stations, no AM station provides interference free service to Dolores during the evening hours. Thus, Dolores is an underserved community and the allocation of Channel 243C2 to Dolores would serve the public interest and the Commission's allocation priorities. A grant of the instant

counterproposal will bring the first local commercial FM transmission service to Dolores and enable FM radio service to be provided to underserved areas in Dolores and portions of Montezuma County, Colorado. See Revision of FM Assignment Policies and Procedures, 90 F.C.C.2d 88, 91-93 (1982).

4. In contrast, allocation of Channel 243A to Durango would not serve the public interest or the Commission's allocation priorities. Durango already has five licensed and operating full-time commercial radio transmission services: Station KDGO(AM); Station KWXA(FM); Station KIQX(FM); Station KIUP(AM); and Station KRSJ(FM).² See BROADCASTING & CABLE YEARBOOK 1996 at B-67. Since Durango and the surrounding environs currently receive at least five full-time commercial aural services, allocation of Channel 243A to Durango will not serve the public interest better than the allocation of the channel to Dolores. Durango already is adequately served by local commercial radio stations licensed to the community. See i.d. Because allocation of Channel 243C2 to Dolores will bring the first local transmission service to Dolores and a third full-time aural reception service to that community, a greater public benefit would be served by allocating the channel to Dolores rather than to Durango.

5. As demonstrated in the attached Engineering Statement, a new Class C FM station on Channel 243C2 can be allocated to Dolores in full compliance with the minimum mileage separation requirements set forth in the Commission's Rules. In addition, the allocation of Channel 243C2 to Dolores would not require a site restriction. The

² In addition, non-commercial FM Station KDUR(FM) is licensed to and operating in Durango, Colorado.

Commission has noted that the proposed allocation to Durango is subject to a site restriction of 0.8 kilometers to avoid short-spacing to Channel 245C1 at Farmington, New Mexico.

6. For the foregoing reasons, the Commission should allocate Channel 243C2 to Dolores rather than allocating Channel 243A to Durango. In the event that Channel 243C2 is allocated to Dolores, Four Corners will promptly file an application for a construction permit for a new commercial FM broadcast station on Channel 243C2, in Dolores.

Respectfully submitted,

FOUR CORNERS BROADCASTING, LLC

By: 

Tom W. Davidson, P.C.

Paige Anderson, Esq.

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Its Attorneys

March 10, 1997

FEBRUARY 1997

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PROPOSED RULEMAKING
FOUR CORNERS BROADCASTING, LLC
96.1 MHz CH.243C2
DOLORES, COLORADO

ENGINEERING STATEMENT

Concerning a Petition for Rulemaking to allocate FM Channel 243C2 to Dolores, Colorado.

Four Corners Broadcasting, LLC, herein request that the FCC allocate Channel 243C2 to Dolores in order to provide a first local service to Dolores.

Vir James Engineers, Broadcast Engineering Consultants, has been retained by the petitioner to determine and show that the above described allocation may be made within the requirements of the FCC Rules and Regulations. There are no existing unused allocations or pending rulemakings for a similar Class C2 assignment to Dolores as of the date of this statement.

This would be the first local commercial FM service to Dolores, a city of 866 population according to the 1990 census. Dolores is an underserved community receiving only two aural services fulltime. Dolores is inside the 60 dBu contour of KRTZ (FM) Cortez, Colorado, and KISZ (FM) Cortez, Colorado. No other FM stations provide primary service over Dolores. Although Dolores is inside of the daytime 0.5 mV/m contour of several AM stations, no AM station provides Interference Free Night Limit service to Dolores during the nighttime hours.

Dolores is in Montezuma County which has a large rural population of about 9000 persons not living within the census listed communities. This accounts for about half of the 18,672 residents in Montezuma county. The proposed Dolores FM facility will provide a much needed fulltime service to a significant part of that rural population.

PROPOSED RULEMAKING
 FOUR CORNERS BROADCASTING, LLC
 96.1 MHz CH.243C2
 DOLORES, COLORADO

ALLOCATION STUDY

Availability of Channel 243C2 to Dolores was determined by computer aided study of all existing stations, pending applications, and pending rule makings within 330 km of the reference site (an existing communications site about 2 km south of Dolores).

Reference Site

NL: 37 deg 27 min 40 sec
 WL: 108 deg 30 min 30 sec

All distances from this site to stations were computed using the tables of FCC rules Section 73.698. All distances are in the metric system.

The separations for the proposed channel assignment are as follows:

Dolores, CO Channel 243C2
 Table of Nearest Facilities

CH.	FREQ	COMMUNITY	CALL	SEPARATION ACTUAL MINIMUM
240C	95.9	No Station or Allocation within 330 km		
241C	96.1	Montrose CO	KKXK	159 105
242C	96.3	Albuquerque NM	KHFM	311 188
243C	96.5	No Station or Allocation within 330 km		
244A	96.7	No Station or Allocation within 330 km		
245C1	96.9	Farmington NM	KDAG	92 79
246C1	97.1	Moab UT	KCYN	137 79

There are no stations operating 10.6 or 10.8 MHz removed from 96.5 MHz within 50 km of the proposed so no Intermediate Frequency interference can result from the assignment.

Therefore the proposed Channel 243C2 assignment to Dolores meets the separation criteria for assignment as set forth in section 73.207 as amended to date.

FEBRUARY 1997

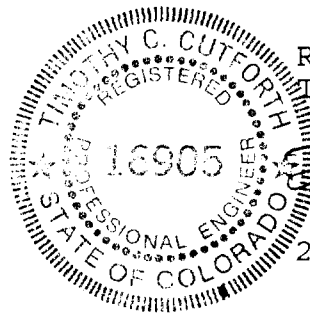
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PROPOSED RULEMAKING
FOUR CORNERS BROADCASTING, LLC
96.1 MHz CH.243C2
DOLORES, COLORADO

From this study it has been determined that the Table of FM Allotments, Section 73.202 of the FCC Rules may be amended as follows:

Community	Present	Proposed
Dolores, CO	none	243C2

Such an amendment of the Table of Allotments would be in full compliance with the FCC Rules and Regulations as amended to date.



Respectfully submitted
Timothy C. Cutforth P.E.

Timothy C Cutforth

26 February 1997

STATE OF COLORADO

EXHIBIT E-1B-1

CITY AND COUNTY OF DENVER

TIMOTHY C. CUTFORTH, BEING DULY SWORN, STATES

That he is a Consulting Radio Engineer with offices located at 965 South Irving Street, Denver, Colorado 80219.

That he is President and Director of Engineering with Vir James, P.C. Consulting Radio Engineers, Denver, Colorado.

That he received a degree of Bachelor of Science, with major in Electrical Engineering from Colorado State University at Fort Collins, Colorado in 1972.

That he is a Registered Professional Engineer (No. 16905) in the State of Colorado.

That he is a certified Professional Broadcast Engineer (50046) by the Society of Broadcast Engineers, Inc.

That he is a member of the Society of Broadcast Engineers, Inc. (No. 3813).

That he is a full member of the Association of Federal Communications Consulting Engineers.

That he is a member of the IEEE.

That he is a qualified and experienced Radio and Television Engineer whose qualifications are a matter of record with the Federal Communications Commissions.

That he is a life member of the Broadcast Pioneers.

That the calculations and/or measurements and exhibits in the accompanying report were made by him personally or under his direction, and that all facts contained herein are true of his own personal knowledge or belief: and on such statements made on belief, they are believed to be true.

Timothy C. Cutforth
Affiant

Subscribed and sworn to before me

This 26th day of February 1997

Notary Public Virginia K. Cutforth

Date of Commission Expiration December 21, 2000

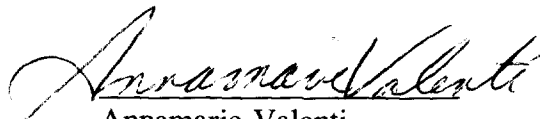
CERTIFICATE OF SERVICE

I, Annamarie Valenti, certify that on this 10th day of March 1997, copies of the foregoing "Counterproposal" were delivered or mailed, postage prepaid, to the following:

John A. Karousos*
Chief, Allocations Branch
Mass Media Bureau
Policy and Rules Division
Federal Communications Commission
2000 M Street, N.W.
Room 554
Washington, D.C. 20554

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*Hand Delivery


Annamarie Valenti